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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3441 of 2003

Petitioner — Ram Bilas Singh, S/o Jatur Singh, aged about 35 years, resident of village- Aourijour, Post Office- Khutgaon, Tehsil- Kunkuri, P.S. Farsa Bahar, District- Jashpur (C.G.).

Versus

Respondents

1. The State of Chhattisgarh, through the Secretary Department of Panchayat, Mantralay, D. K. S. Building, Raipur (C.G.).
2. The Secretary, Department of School Education, D.K.S. Building, Raipur (C.G.).
3. The Collector, Jashpur (C.G.).
4. The Chief Executive Officer, Janpad Panchayat Farsabahar, District- Jashpur.
5. Zila Shiksha Kendra, Rajiv Gandhi Shiksha Mission, Jashpur (C.G.).

And

Writ Petition No. 715 of 2004

Petitioners

1. Ku. Gayatri, Shiksha Guarantee Kendra Barhamuda Gram Panchayat Uparkachhar.
2. Mohan Sai, Shiksha Guarantee Kendra Jorkotola Gram Panchayat Bhagora.
3. Pankhrasius, Shiksha Guarantee Kendra, Indira Nagar Gram Panchayat Kandaibahar.
4. Jamit Sai, Shiksha Guarantee Kendra, Indira Nagar Gram Panchayat Kolhenjharia.
5. Niranjan Minj, Shiksha Guarantee Kendra Mundadeepa Gram Panchayat Tumla.
6. Munku Ram, Shiksha Guarantee Kendra, Anwala Nagar Gram Panchayat, Babusajbahar.
7. Ku. Parmila Panna, Shiksha Guarantee Kendra, Negitoli Gram Panchayat, Matipahadchharra.

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8. Smt. Nilo Kujur, Shiksha Guarantee Kendra, Negitoli Gram Panchayat, Farsabahar.
9. Brijmohan Sai, Shiksha Guarantee Kendra, Palepkhana Gram Panchayat, Dumariya.
10. Bileshwar, Shiksha Guarantee Kendra, Mahkulpara Gram Panchayat, Ambakachhar.
11. Dashrat Sai, Shiksha Guarantee Kendra, Upartoli Gram Panchayat, Bhagora.
12. Sadai Ram, Shiksha Guarantee Kendra, Uraontoli Gram Panchayat, Sundru.
13. Baleshwarram, Shiksha Guarantee Kendra, Pakrideepa Gram Panchayat Tumla.

Versus

Respondents

1. State of Chhattisgarh Through the Secretary Department of Panchayat Mantralaya, D.K.S. Building, Raipur (C.G.).
2. The Secretary Department of School Education, D.K.S. Building, Raipur (C.G.).
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4. The Chief Executive Officer, Janpad Panchayat Farsabahar, District- Jashpur (C.G.).
5. Zila Shiksha Kendra, Rajiv Gandhi Shiksha Missin, Jashpur (C.G.).

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Arun Shukla, Advocate for the petitioners.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents No. 1 to 3.

Miss Sharmila Singhai, Advocate for the Respondents No. 4 and 5.

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ORAL ORDER

(13th January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Since the controversy involved in Writ Petition No. 3441 of 2003 (Ram Bilas Singh Vs. State of Chhattisgarh & others) and Writ Petition No. 715 of 2004 (Ku. Gayatri & others Vs. State of Chhattisgarh & others) is one and the same, both the petitions are being disposed of by this common order.

2. The petitioner in W.P.No. 3441 of 2003 and 13 petitioners in W.P.No. 715 of 2004 were appointed initially, as Guruji under Education Guarantee Scheme (Annexure R/1). Their services were discontinued in January-February, 2000. The petitioners were again considered and appointed on 13.3.2000 (Annexure P/7 in W.P.No. 3441/2003) in various Gram Panchayats, details of which are as under:-

Name of Petitioner	**Name of Education Guarantee Center**	**Name of Village Panchayat**
Ram Bilas Singh	Indira Nagar	Khutgaon Petitioner in W.P. No. 3441/03
Ku. Gayatri	Barhamuda	Uprkachar Petitioner No. 1 in W.P. No. 715/04
Mohan Sai	Jorkotola	Bhagora Petitioner No. 2 in W.P. No. 715/04
Pankhrasius	Indira Nagar	Kandai Bahar Petitioner No. 3 in W.P. No. 715/04
Jamit Sai	Indira Nagar	Kolhen Jharia Petitioner No. 4 in W.P. No. 715/04
Niranjan Minj	Munda Deepa	Tumla Petitioner No. 5 in W.P. No. 715/04

Munku Ram	Anwla Nagar	Babu Saj Bahar Petitioner No. 6 in W.P. No. 715/04
Ku. Parmila Panna	Negitoli	Mati Pahad Charra Petitioner No. 7 in W.P. No. 715/04
Smt. Neelo Kujur	Negitoli	Farsha Bahar Petitioner No. 8 in W.P. No. 715/04
Brij Mohan Sai	Pale Pakhana	Dumaria Petitioner No. 9 in W.P. No. 715/04
Bileshwer	Mahkulpara	Amba Kachar Petitioner No. 10 in W.P. No. 715/04
Dashrath Sai	Upartola	Bhagora Petitioner No. 11 in W.P. No. 715/04
Sadai Ram	Uranvtoli	Sundroo Petitioner No. 12 in W.P. No. 715/04
Baleshwer Ram	Pakrideepa	Tumla Petitioner No. 13 in W.P. No. 715/04

3. The services of the petitioners in both the petitions were terminated vide order dated 22.3.2003 (Annexure P/2 filed in W.P.No. 3441/2003). Being aggrieved, the petitioners filed common appeal under section 91 of the M.P./C.G. Panchayat Raj Adhiniyam, 1993 (for short 'the Act, 1993') before the Collector, Jashpur, which was registered as Appeal Case No. 28/A-89/2002-2003. The appeal was dismissed vide order dated 5.7.2003 by the Collector, Jashpur, holding that the impugned order dated 22.3.2003 passed by the Chief Executive Officer, Janpad Panchayat, Farshabahar was legal and valid.

4. Being aggrieved, the petitioners have filed these two petitions under Article 226/227 of the Constitution of India praying that the impugned order dated 5.7.2003 (Annexure P/1 in W.P.No.715/2004) and order dated 22.3.2003 (Annexure P/2 filed in W.P.No. 3441/2003) be quashed.

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5. Learned counsel for the petitioner submits that the services of the petitioners have been terminated pursuant to the internal enquiry held by a Committee headed by Block Education Officer, in a casual manner without considering the facts of each and every case individually. The enquiry report has been filed as Annexure R/2 in W.P.No. 3441/2003.

6. Shri Pankaj Shrivastava, learned panel lawyer appearing for the State and Miss Sharmila Singhai, learned counsel appearing for the Respondent No.4 Janpad Panchayat, Farshabahar and Respondent No.5 Zila Shiksha Kendra, Rajiv Gandhi Shiksha Mission, Jashpur submit that the appointment of Gurujis was under the Education Guarantee Scheme wherein it was clearly provided that for a group of 40 persons one teacher be appointed and for a group of 25 persons in Scheduled area one teacher be appointed. It is contended that the appointment of the teachers were contrary to provisions of Rules and reservation policy. In some cases appointments were made without there being any school or student. It is further urged that the Enquiry Officer has conducted a detailed enquiry before arriving to the conclusion that the entire selection process of the appointment of the petitioners be quashed.

7. I have heard learned counsel for the parties and perused the documents appended to the petition as well as to the return filed in both the petitions. On perusal of the Enquiry Report it is evident that the enquiry has been conducted in very casual and cursory manner. The enquiry indicates that women reservation has not been followed without indicating what was the reservation

and how it should be applied. The entire enquiry has been conducted at one place i.e. in the office of the Assistant Commissioner, Jashpur and no opportunity was given to any of the concerned petitioner or other concerned officers. The enquiry conducted by the committee is contrary to all the principles of natural justice and does not comply with the requirements of holding an enquiry. As such the impugned orders terminating the service of the petitioners is bad and deserves to be quashed.

8. The petitions are allowed. The impugned order dated 5.7.2003 (Annexure P/1 in W.P.No.715/2004) and order dated 22.3.2003 (Annexure P/2 filed in W.P.No. 3441/2003) are quashed and set aside. However, the respondents are at liberty to take any appropriate steps as permissible under the law. No costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge